

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KIMBRA CRISWELL	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 05-00321 GMS
	:	
LYDIA ADAIR MCFADDEN	:	JURY TRIAL DEMANDED
	:	
and	:	
	:	
CHRISTIANA CARE HEALTH	:	
SERVICES, INC.,	:	
	:	
Defendants.	:	

JOINT STATUS REPORT

This 10th day of April 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 16 in preparation for a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(b), the parties submit the following report:

1. Jurisdiction and Service. This court has subject matter jurisdiction, all parties are subject to the court's jurisdiction.
2. Substance of the Action. This is a personal injury action brought by Kimbra Criswell against Defendants Lydia McFadden and Christiana Care Health Services, Inc. as the result of the alleged negligence of the Defendants on May 23, 2002. Plaintiff, while working at Christiana Hospital for a temporary agency, contracted by Defendant, Christiana Care Health Services, Inc., was allegedly injured by a portable x-ray machine operated by Christiana Care's employee, Lydia Adair McFadden.
3. Identification of Issues. The factual and legal issues genuinely in dispute are raised in the Complaint and Answer. They include whether Defendants were negligent and the extent of

the injuries to the Plaintiff. In addition, there is a legal issue concerning whether Plaintiff's claims are barred by the exclusivity provision of the worker's compensation statute and/or the borrowed servant doctrine.

4. Narrowing of Issues. At this point, the parties are not aware of any manner in which the issues in litigation may be narrowed by agreement or by motion, except as noted in No. 3 above.

5. Relief. The relief sought by Plaintiff includes compensatory and punitive damages, lost wages, medical bills for past and future treatment, attorneys' fees, costs and expenses, and such other and further relief as may be just and appropriate under the circumstances. Plaintiff's damages are not subject to quantification at this point.

6. Amendment of Pleadings. The parties, by stipulation, attach an amendment to Defendants' Answer to the Complaint to raise an additional affirmative defense. See attached Stipulation and Amendment.

7. Joinder of Parties. No other parties need to be joined at this time.

8. Discovery. The parties contemplate that full and complete discovery will require written discovery, and depositions of the parties, employees of Christiana Care Health Services, Inc., medical personnel, and experts.

The parties estimate that they will require 8 months of discovery. The parties are not aware at this time of any potential means to limit discovery, or of any less costly and time-consuming methods available to obtain necessary information.

9. Case Dispositive Motions. The parties request that case dispositive motions, with supporting briefs and affidavits, be filed one month after the close of discovery. Defendants anticipate a Motion for Summary Judgment based on the worker's compensation exclusivity

provision as noted in No. 3 above.

10. Estimated Trial Length. The parties estimate that trial will take no longer than five days. The parties are not aware at this time of any possibility of bifurcating issues for trial, nor of means to reduce the length of trial by stipulations, use of summaries or statements, or other expedited means of presenting evidence. However, should it appear at a later time that such means are feasible, the parties will consider them.

11. Jury trial. A jury trial has been demanded.

12. Settlement. The parties have not engaged in settlement discussions. Plaintiff would request that this matter be referred to Magistrate Judge Thynge for mediation. Defendants request that mediation be deferred until after the dispositive motion deadline.

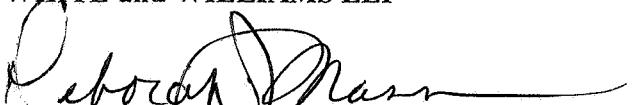
13. Other Matters. Counsel are not aware of other matters that need to be considered.

14. Statement. Counsel for the parties have conferred about each of the above matters.

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